

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Elizabeth Kemmerer
)
Audrey Goddard, et al.) Art Unit: 1646
)
Application Serial No. 10/700,992) Confirmation No: 4868
)
Filed: November 3, 2003) Attorney's Docket No. GNE-0304 R1C1
)
For: Novel cytokine receptors and nucleic acids encoding the same) Customer No. 35489

FILED BY EFS ON FEBRUARY 14, 2010

Request to Correct typographical error in previous Petition for Revival of a Patent Application Under 37 CFR §1.137(b)

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

Applicants request that this petition be considered with several other petitions in applications that are related to this patent application. Petitions concerning the revival of an abandoned application to correct priority due to an unintentional delay and/or petitions to correct priority due to an unintentional delay were filed on February 11, 2011 in the following applications:

Reissue Application Serial No. 12/685,621 of U.S. Patent No. 6,740,520 (petition filed 2/14/11)

Application Serial No. 09/380,137 (now abandoned) (petition filed 2/11/11)

International Application PCT/US00/08439 (petition filed 2/14/11)

Application Serial No. 09/941,992 (now abandoned) (petition filed 2/14/11)

In the interest of efficiency, it is requested that all these petitions be considered concurrently since they concern related applications.

Applicants previously filed a petition to revive the present application solely for the purpose of correcting the priority claim (Petition filed on January 13, 2010) and the petition was granted on March 25, 2010. Applicants have discovered a typographical error in the priority claim submitted on January 13, 2010. The second sentence of the priority claim in Exhibit A should have read “The 09/964,994 ~~09/941,992~~ application claims priority under 35 U.S.C. § 120 and is a continuation-in-part of PCT Application No. PCT/US01/06666 filed March 1, 2001.” This is consistent with the first sentence, which refers to the 09/964,994 application. Applicants request a correction of this typographical error, which is shown in the amendment to the specification in Exhibit A.

Applicants do not believe additional petition fees are necessary. However, in the event the Office of Petitions deems this to be a situation in which a new Petition under 37 C.F.R. §1.137(b) must be filed, Applicants hereby petition for revival of the above-captioned patent application under 37 C.F.R. §1.137(b). Applicants seek to amend the priority claim in Appln. Serial No. 11/697,201 to reflect additional priority data determined by Applicants. Therefore, by way of this Petition, Applicants seek to revive the above-captioned application solely for the purpose of amending the priority claim to reflect the data submitted in the Amendment filed herewith and attached hereto as Exhibit A (the “Amendment”). Applicants note that the Amendment merely corrects the form of the priority claim in the above-captioned application to comply with the requirements of 37 C.F.R. § 1.78(a)(2) and (a)(5).

In light of the above, revival of the above-captioned application is respectfully requested solely for the purpose of entering the Amendment. Further, Applicants respectfully request that the above-captioned application be expressly abandoned upon entry of the Amendment.

Applicants respectfully submit that the entire delay between the date the claim was due under 37 CFR §1.78(a)(2) and 37 CFR §1.78(a)(5), and the date the claim was filed was unintentional.

In summary, Applicants hereby petition for revival of the above-identified application and correction of the priority claim as indicated in the Amendment of Exhibit A.

REMARKS

If deemed necessary, the Commissioner is authorized to charge any applicable fees for this Petition to Deposit Account No. **50-2387 (25128.182)**, referencing Attorney's Docket No. **GNE-0304 R1C1; (P3121R1C1)**. Such payment is believed to be in the amount of \$1,620.00 for the petition fee required by 37 C.F.R. §1.17(m). Authorization to charge the official fee under 37 C.F.R. § 1.17(m) for this Petition is given in the accompanying transmittal letter. If needed, authorization for any additional official fees under 37 C.F.R. § 1.17(t) for amending a priority claim is also provided.

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Arnold & Porter LLP

Date: February 14, 2011

By: /Jeffery P. Bernhardt/
Jeffery P. Bernhardt (Reg. No. 54,997)

ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004-1206
Telephone: +1 202.942.5000
Facsimile: +1 202.942.5999
Direct Line: +1 415 356-3027

Exhibit A

Amendments to the Specification

Please replace the paragraph beginning at page 1, line 2, with the following paragraph in column 1, lines 4-12 as follows:

--This application is a continuation application claiming priority under 35 U.S.C. § 120 of U.S. Application Serial No. 09/964,994 filed September 26, 2001, now U.S. Patent No. 6,740,520, the entire disclosure of which is hereby expressly incorporated by reference. The 09/964,994 ~~09/941,992~~ application claims priority under 35 U.S.C. § 120 and is a continuation-in-part of PCT Application No. PCT/US01/06666 filed March 1, 2001. PCT Application No. PCT/US01/06666 claims priority under 35 U.S.C. § 119(e) to U.S. provisional Application Serial No. 60/191,015 filed on March 21, 2000.--